

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

IN RE:	)	
DAVID ADAM SMITH and	)	
HEIDI CLEAVES SMITH,	)	CASE NO. 12-01515-PMG
	)	CHAPTER 13
Debtors.	)	

**ORDER GRANTING DEBTORS' MOTION TO DETERMINE SECURED STATUS OF  
CLAIM SIX (6) OF AMERICAN ENTERPRISE BANK OF FLORIDA AND TO STRIP  
LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE is before the Court on the Debtors' Motion to Determine Secured Status of the Homestead property mortgage held by American Enterprise Bank of Florida (Claim Six) and to Strip Lien (the "Motion") filed June 13, 2012 and said Creditor having failed to file a written response to the Motion in accordance with Rule 2002--4, Local Bankruptcy Rules, it is

**ORDERED:**

1. The Motion to Determine Secured Claim Status of Claim Six (6) is GRANTED pursuant to 11 U.S.C. §506(a) and the mortgage lien is voided pursuant to 11 U.S.C. §506(d).
2. The value of that portion of Claim Six (6) secured by Real Property (Homestead) is \$0.00. The balance of this claim shall be treated as unsecured.
3. The legal description of this property is as follows:

Lot 17, Cypress Cove Unit Five, according to the plat thereof recorded in Plat Book 43, Pages 86 and 86A of the current public records of Duval County, Florida

4. The mortgage held by American Enterprise Bank of Florida recorded on January 31, 2008 at Book 14366, Pages 1740 through 1754, I Document No. 2008025600 of the official records of Duval County, Florida, shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtors' discharge in this Chapter 13 case; provided, however, that the Court reserves jurisdiction to consider, if

appropriate, the avoidance of American Enterprise Bank of Florida.'s lien prior to the entry of the Debtors' discharge. Further, if this case is converted to a case under Chapter 7, or if this Chapter 13 case is dismissed, the mortgage will no longer be considered void and shall be restored as a secured debt.

DATED this 18 day of July 2012 at Jacksonville, Florida

  
PAUL M. GLENN  
United States Bankruptcy Judge

Copies to:

Debtors, David and Heidi Smith, 2241 Aspen Ridge Court, Atlantic Beach, FL 32233  
Bankruptcy Law Firm of Lansing J. Roy, P.A., Debtors' Attorney, 1710 Shadowood Lane, Suite  
210, Jacksonville, FL 32207  
Douglas W. Neway, Trustee, P.O. Box 4308, Jacksonville, FL 32201-4308  
United States Trustee's Office, 175 West Central Blvd, Suite 620, Orlando, FL 32801-2476  
Attorney for Creditor, American Enterprise Bank of Florida, Nicholas V. Pulignano, Jr., Esquire,  
P.O. Box 447, Jacksonville, FL 32201

I certify the foregoing to be true  
and correct copy of the original  
CLERK OF COURT  
U. S. BANKRUPTCY COURT

By: M. Sosnecki

Dated: July 18, 2012

RECORDED IN THE US BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

J.D. VOL. 54, NO. 7602